

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION CC

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COMMISSIONERS

Gary Pierce, Chairman

Sandra D. Kennedy

Paul Newman

Bob Stump

Brenda Burns

2011 MAY 31 A 11: 56

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
THE SOUTHWEST TRANSMISSION
COOPERATIVE, INC., OR ITS ASSIGNEES, FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY FOR THE MARANA TAP TO
SANDARIO TAP TRANSMISSION LINE
REBUILD PROJECT LOCATED IN PIMA
COUNTY, ARIZONA.

CASE NO. 161

Docket No. L-00000CC-11-0127-00161

**NOTICE OF FILING SAMPLE
FORMS OF ORDER**

The Commission's Legal Division hereby provides sample forms of order for the Commission's convenience when considering the above-captioned matter. Sample Order No. 1 is in a format suitable for Commission approval of the Siting Committee's Certificate of Environmental Compatibility ("CEC") decision. Sample Order No. 2 is in a format for Commission modifications to the Siting Committee's CEC decision. Sample Order No. 3 is in a format for denial of the CEC issued in the Siting Committee's decision.

RESPECTFULLY SUBMITTED this 31st day of May, 2011.

Arizona Corporation Commission

DOCKETED

MAY 31 2011

Charles Hains
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

DOCKETED BY

1 **Original and twenty-eight (28)**
2 **copies of the foregoing filed this**
3 **31st day of May, 2011 with:**

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 **Copy of the foregoing mailed**
9 **this 31st day of May, 2011 to:**

10 Michael M. Grant, Esq.
11 Gallagher and Kennedy
12 2575 East Camelback Road
13 Phoenix, Arizona 85016
14 Attorneys for Applicant

15 By Roseann Osorio
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman

4 Sandra D. Kennedy

5 Paul Newman

6 Bob Stump

7 Brenda Burns

8 IN THE MATTER OF THE APPLICATION OF
9 THE SOUTHWEST TRANSMISSION
10 COOPERATIVE, INC., OR ITS ASSIGNEES,
11 FOR A CERTIFICATE OF ENVIRONMENTAL
12 COMPATIBILITY FOR THE MARANA TAP TO
13 SANDARIO TAP TRANSMISSION LINE
14 REBUILD PROJECT LOCATED IN PIMA
15 COUNTY, ARIZONA.

CASE NO. 161

Docket No. L-00000CC-11-0127-00161

DECISION NO. _____

SAMPLE ORDER NO. 1

*(Sample Form of Order for the Convenience of
the Commission to Use if the Commission Determines
it is in the Public Interest to Grant the Project a CEC
as Issued by the Siting Committee's Decision.)*

14 Open Meeting
15 June 16, 2011
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, the
19 Arizona Corporation Commission ("Commission") finds and concludes that the Certificate of
20 Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line
21 Siting Committee ("Siting Committee") is hereby approved as granted by this Order.

22 The Commission, in reaching its decision, has balanced all relevant matters in the broad
23 public interest, including the need for an adequate, economical and reliable supply of electric power
24 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds
25 that granting the Project a CEC is in the public interest.

26 The Commission further finds and concludes that in balancing the broad public interest in this
27 matter:
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1. The Project is in the public interest because it aids the state in meeting the need for an adequate, economical, and reliable supply of electric power.
2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

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2 **THE CEC ISSUED BY THE SITING COMMITTEE IS**
3 **INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE**
4 **ARIZONA CORPORATION COMMISSION**
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6 CHAIRMAN

COMMISSIONER

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9 COMMISSIONER

COMMISSIONER

COMMISSIONER

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11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto, set my hand and caused the official seal of this
14 Commission to be affixed at the Capital, in the City of Phoenix,
15 this _____ day of _____ 2011.

16 ERNEST G. JOHNSON
17 Executive Director

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19 DISSENT: _____

20 DISSENT: _____
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman

4 Sandra D. Kennedy

5 Paul Newman

6 Bob Stump

7 Brenda Burns

8 IN THE MATTER OF THE APPLICATION OF
9 THE SOUTHWEST TRANSMISSION
10 COOPERATIVE, INC., OR ITS ASSIGNEES, FOR
11 A CERTIFICATE OF ENVIRONMENTAL
12 COMPATIBILITY FOR THE MARANA TAP TO
13 SANDARIO TAP TRANSMISSION LINE
14 REBUILD PROJECT LOCATED IN PIMA
15 COUNTY, ARIZONA.

CASE NO. 161

Docket No. L-00000CC-11-0127-00161

DECISION NO. _____

SAMPLE ORDER NO. 2

*(Sample Form of Order for the Convenience of the
Commission to Use if the Commission Determines it is
in the Public Interest to Grant the Project a CEC But
Also Determines that the Public Interest Requires
that the Commission Modify the CEC as Issued by the
Siting Committee's Decision.)*

15 Open Meeting
16 June 16, 2011
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

19 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, the
20 Arizona Corporation Commission ("Commission") finds and concludes that the Certificate of
21 Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line
22 Siting Committee ("Siting Committee") is hereby approved as modified by this Order.

23 The Commission, in reaching its decision, has balanced all relevant matters in the broad
24 public interest, including the need for an adequate, economical and reliable supply of electric power
25 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds
26 that the CEC for the above-captioned application for siting approval is in the public interest as
27 modified by this Order.
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1 The Commission modifies the CEC to (add) (modify) (delete) the following provisions and/or
2 condition(s):

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4 *(For example, modifications to the Siting Committee's CEC could include amending the*
5 *Committee's determinations, adding new conditions, changing conditions' language and/or*
6 *deleting the conditions.)*

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9 The Commission further finds and concludes that in balancing the broad public interest in this
10 matter:

- 11 1. The Project is in the public interest because it aids the state in meeting the need for an
12 adequate, economical and reliable supply of electric power.
- 13 2. In balancing the need for the Project with its effect on the environment and ecology of
14 the state, the conditions placed on the CEC as modified by the Commission effectively
15 minimize its impact on the environment and ecology of the state.
- 16 3. The conditions placed on the CEC as modified by the Commission resolve matters
17 concerning the need for the Project and its impact on the environment and ecology of
18 the state raised during the course of proceedings, and as such, serve as the findings on
19 the matters raised.
- 20 4. In light of these conditions, the balancing in the broad public interest results in favor
21 of granting the CEC as modified by the Commission.

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1 **THE CEC ISSUED BY THE SITING COMMITTEE IS**
2 **INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY ORDER OF THE**
3 **ARIZONA CORPORATION COMMISSION**
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7 CHAIRMAN

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9 COMMISSIONER

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12 COMMISSIONER

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14 COMMISSIONER

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16 COMMISSIONER

17 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
18 Executive Director of the Arizona Corporation Commission,
19 have hereunto, set my hand and caused the official seal of this
20 Commission to be affixed at the Capital, in the City of Phoenix,
21 this _____ day of _____ 2011.

22 _____
23 ERNEST G. JOHNSON
24 Executive Director

25 DISSENT: _____
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27 DISSENT: _____
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman

4 Sandra D. Kennedy

5 Paul Newman

6 Bob Stump

7 Brenda Burns

8 IN THE MATTER OF THE APPLICATION OF
9 THE SOUTHWEST TRANSMISSION
10 COOPERATIVE, INC., OR ITS ASSIGNEES, FOR
11 A CERTIFICATE OF ENVIRONMENTAL
12 COMPATIBILITY FOR THE MARANA TAP TO
13 SANDARIO TAP TRANSMISSION LINE
14 REBUILD PROJECT LOCATED IN PIMA
15 COUNTY, ARIZONA.

CASE NO. 161

Docket No. L-00000CC-11-0127-00161

DECISION NO. _____

SAMPLE ORDER NO. 3

*(Sample Form of Order for the Convenience of the
Commission to Use if the Commission Determines it is
in the Public Interest to Deny the Project the CEC
Issued by the Siting Committee's Decision.)*

14 Open Meeting
15 June 16, 2011
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Pursuant to A.R.S. § 40-360, *et seq*, after due consideration of all relevant matters, the
19 Arizona Corporation Commission ("Commission") finds and concludes that the above-captioned
20 Application for a Certificate of Environmental Compatibility ("CEC") for siting approval is not in the
21 public interest and therefore the CEC issued by the Arizona Power Plant and Transmission Line
22 Siting Committee ("Siting Committee") is hereby denied by this Order.

23 The Commission, in reaching its decision, has balanced all relevant matters in the broad
24 public interest, including the need for an adequate, economical and reliable supply of electric power
25 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds
26 that granting the Project a CEC is not in the public interest.

27 The Commission finds and concludes that in balancing the broad public interest in this matter:
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- 1 1. The evidence in the record is not sufficient to weigh the balancing of the public
2 interest in favor of granting a CEC in this matter when all the factors set forth in
3 A.R.S. § 40-360.06 are considered along with need for an adequate economical, and
4 reliable supply of electric power.
- 5 2. The conditions placed upon the CEC are not sufficient to weigh the balancing of the
6 public interest in favor of granting a CEC in this matter when all the factors set forth in
7 A.R.S. § 40-360.06 are considered along with the need for an adequate, economical,
8 and reliable supply of electric power.
- 9 3. The record compels balancing the competing public interests in favor of protection of
10 the environment and ecology of the State of Arizona by denying Applicant a
11 Certificate of Environmental Compatibility.
- 12 4. The CEC issued by the Siting Committee should not be confirmed and approved by
13 the Commission.
- 14 5. The Commission's findings 1 through 4 above serve as the Commission's findings of
15 fact and conclusions of law in reaching its decision.

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17 Therefore, the Commission further finds and concludes that the CEC issued by the Siting
18 Committee is hereby denied by this Order; and, the above-captioned Application for a CEC is hereby
19 denied by this Order.

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1 **THE CEC ISSUED BY THE SITING COMMITTEE IS**
2 **INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY ORDER OF THE**
3 **ARIZONA CORPORATION COMMISSION**
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7 CHAIRMAN

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7 COMMISSIONER

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10 COMMISSIONER

11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto, set my hand and caused the official seal of this
14 Commission to be affixed at the Capital, in the City of Phoenix,
15 this _____ day of _____ 2011.

16 _____
17 ERNEST G. JOHNSON
18 Executive Director

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21 DISSENT: _____
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23 DISSENT: _____
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